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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,372	04/26/2000	Dimitri Kanevsky	YOR000049US1	9516

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EXAMINER

HARPER, KEVIN C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,372

Applicant(s)

KANEVSKY ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 13 is objected to because "biometric" should be --biometric information--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett (US 5,917,835).

3. Regarding claim 1, Barrett discloses a method of transmitting biometric data in a network (figure 1; col. 2, lines 5-14) comprising obtaining biometric information for a user (figure 2, item 18), obtaining plural biometric portions from the biometric information (figure 3 and figure 4, items 62) and transmitting the biometric portions to a destination using several data packets (items 68 and 70; col. 6, lines 45-50).

4. Regarding claim 4, the biometric information are speech segments (col. 2, lines 5-14).

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5. Regarding claim 5, Barrett discloses a method for receiving biometric data in a network (figure 1; col. 2, lines 5-14) comprising the steps of receiving packets containing biometric portions corresponding to a user (figure 10, step 122; note: the user is one who left a voicemail message -- figure 3, item 18 and col. 2, lines 11-12), determining if the received packets provide sufficient data for processing (figure 10, step 130, NO), and evaluating the received packets if they provide sufficient data for processing (figure 10, step 134).

6. Regarding claim 6, the received data packets are interchanged from original packets (figure 4, items 60 and 64, and items 68 and 70) and the received packets are integrated to generate original packets (items 72, 60 and 64).

7. Regarding claims 7-9, 17, 19, 22 and 24, Barrett discloses a system (figure 1, item 12) that includes a memory for storing computer-readable code and a processor for executing the computer-readable code (col. 4, lines 45-48). The computer-readable code (col. 5, lines 49-54) is configured to obtain two packets containing frames of data (figure 4, items 60 and 64), generate N interchanged packets by placing every Nth frame of data in a given interchanged packet (figure 4, items 68 and 70; col. 6, lines 45-50 and 55-61) and transmit the interchanged packets to a destination (item 72).

8. Regarding claim 10, the data includes telephone data (col. 2, lines 11-12; note: a telephone user leaving a voicemail message).

9. Regarding claim 11, the limitations of this claim have been addressed in the rejection of claims 5 and 6 above.

10. Regarding claims 12-14, Barrett discloses a method for transmitting data to a destination in a packet network (figure 1) comprising the steps of obtaining frames of data for transmission

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(figure 4, items 60 and 64), generating N interchanged packets by placing every Nth frame of data in a given interchanged packet (figure 4, items 68 and 70; col. 6, lines 45-50 and 55-61), and transmitting the interchanged packets to a destination (figure 4, item 72), where the transmitted data includes biometric data such as voice (col. 2, lines 5-14).

11. Regarding claims 15 and 20, Barrett discloses a system of transmitting biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 45-48). The computer-readable code (col. 5, lines 49-54) is configured to obtain biometric information for a user (figure 2, item 18), obtain plural biometric portions from the biometric information (figure 3 and figure 4, items 62) and transmit the biometric portions to a destination using several data packets (items 68 and 70; col. 6, lines 45-50).

12. Regarding claims 16 and 21, Barrett discloses a system of receiving biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 66-67). The computer-readable code (col. 5, lines 49-54) is configured to receive packets containing biometric portions corresponding to a user (figure 10, step 122; note: the user is one who left a voicemail message -- figure 2, item 18 and col. 2, lines 11-12), determine if the received packets provide sufficient data for processing (figure 10, step 130, NO), and evaluate the received packets if they provide sufficient data for processing (figure 10, step 134).

13. Regarding claims 18 and 23, Barrett discloses a system of receiving biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 66-67).

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The computer-readable code (col. 5, lines 49-54) is configured receive data packets that are interchanged from original packets (figure 4, items 60 and 64, and items 68 and 70; figure 10, step 122), integrate the received packets to generate original packets (items 72, 60 and 64), determine if the received packets provide sufficient data for processing (figure 10, step 130, NO), and process the received packets if they provide sufficient data for processing (figure 10, step 134).

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by DeSchrijver (US 6,311,042).

14. Regarding claims 1 and 3, DeSchrijver discloses a method for transmitting biometric image data in a network (abstract; figure 3; col. 3, lines 1-3; col. 4, lines 24-26), comprising the steps of obtaining biometric information for a user (figure 1), obtaining several biometric portions from the biometric data (col. 4, lines 20-24), and transmitting the biometric portions to a destination using plural packets (col. 4, lines 61-64; col. 6, lines 8-13).

15. Regarding claim 2, the user is provided access to a requested service (col. 2, lines 40-46) if the biometric portions match corresponding biometric prototype portions (col. 6, lines 13-25).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abbe et al. (US 6,314,401) discloses transmitting voice data in several packets for authentication (col. 8, lines 34-44).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see pair.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



June 1, 2004